IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1511 of 2001

in

SPECIAL CIVIL APPLICATIONNo 13484 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE J.N.BHATT
and
HON'BLE MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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KANAIYALAL NAGARDAS PANCHAL

Versus

BANCO PRODUCTS INDIA LTD

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Appearance:

1. LETTERS PATENT APPEAL No. 1511 of 2001

MR NILESH M SHAH for Appellant No.

MR KM PATEL for Respondent No. 1

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CORAM : HON'BLE MR.JUSTICE J.N.BHATT
and

HON'BLE MR.JUSTICE K.A.PUJ

Date of decision: 15/01/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE J.N.BHATT)

The short question which has come up for our consideration and adjudication in this Letters Patent Appeal, under Clause 15, of the Letters Patent, is, as to whether, the rejection of reference which was based on the claim of having not sent the letter of voluntary resignation, in a reference (LCB No.691/86) before the Labour Court, at Vadodara, and later on the confirmation of the said rejection of reference by the Labourt Court by the learned Single Judge in SCA No. 13484 of 2000 on 18.6.2001 disbelieving that the letter of voluntary resignation was, forcibly, obtained by the respondent authority from the original petitioner workman, is, justified or not, in the factual profile in this appeal, to which our categorical, evident and unambiguous answer is that the Labour Court's adjudication in rejecting the reference at the instance of the employee and confirmed by the learned Single Judge, is quite justified, requiring no interference in exercise of powers under Clause 15 of the Letters Patent, for the impugned judgement of the learned Single Judge confirming the award of the Labour Court is quite weighty, high-lighting the factual and legal reasons.

2. We have, dispassionately, enquired and gone through the entire profile from the, pre-file, and also after taking into consideration the submissions of the learned Advocate Mr. Shah thread-bear as well as the text, tenor, and the context of the order of the learned Single Judge and the award of the Labour Court and the circumscribed jurisdictional zone and sweep of the Letters Patent Court, we find that this Letters Patent Appeal is absolutely meritless and deserves to be thrown over board at this stage, since we are fully satisfied that the impugned award of the Labour Court rejecting the reference initiated at the instance of the appellant original petitioner employee, who had as such tendered the resignation letter in all probabilities to save his skin from being further criminally dealt with on the alleged ground of theft committed by him and the views of the Labour Court in the award and the learned Single Judge in the writ petition leaves no any manner of doubt that the plea of withdrawal of the voluntary resignation letter at the instance of the Union appears to be well thought, but after thought, more so, in the backdrop of

the fact that the appellant - original petitioner employee had pocketed all the retiral service benefits without any demur and more so in absence of any evidence to remotely indicate that such a withdrawal letter was ever sent, and/or received by the respondent company employer. The Letters Patent Appeal therefore shall stand dismissed with costs.

(J.N.Bhatt, J.) ( K.A. Puj, J.)

*/Mohandas